

Message Text

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TO AMEMBASSY THE HAGUE

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E.O. 11652: N/A

TAGS: BBAK, PFOR, NL, US

SUBJECT: LOCKHEED PAYMENTS ABROAD:DUTCH NEWSPAPER STORY

REF: THE HAGUE 5152

1. DUTCH NEWSPAPER STORY OF SEPTEMBER 17 REPORTED REFTEL
CONFUSES A COURT ORDERED SPECIAL COUNSEL'S REPORT WITH
THE COURT'S PROTECTIVE ORDER.

2. IN CONNECTION WITH SEC'S CIVIL ACTION AGAINST LOCKHEED,
THE JUDGE ORDERED THE APPOINTMENT OF AN INDEPENDENT SPECIAL
COUNSEL TO MAKE AN IN-HOUSE INVESTIGATION OF LOCKHEED RE-
CORDS, SUBMIT HIS REPORT TO LOCKHEED BOARD OF DIRECTORS,
AND THEN TRANSMIT REPORT TO SEC AND TO COURT. SPECIAL
COUNSEL'S REPORT, DUE SEPTEMBER 20, HAS BEEN GRANTED A
90-DAY EXTENSION BY COURT. U.S. GOVERNMENT OFFICIALS HAVE
NO KNOWLEDGE OF CONTENTS OF REPORT. ONLY WHEN IT IS SUB-
MITTED TO COURT WILL IT BECOME PUBLIC, AND AT THAT TIME
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LOCKHEED COULD PETITION COURT FOR PROTECTIVE ORDER TO KEEP

REPORT CONFIDENTIAL.

3. IN CONNECTION WITH SEC'S INITIAL INVESTIGATORY ACTION
IN 1975, LOCKHEED DOCUMENTS SUBPOENAED AT THAT TIME BY

COURT WERE PLACED UNDER A PROTECTIVE ORDER OF THE COURT.
DISCLOSURE TO THIRD PARTIES WAS PERMITTED ONLY IF WITHIN
A 10-DAY NOTICE PERIOD, NEITHER LOCKHEED NOR AN INTERESTED
GOVERNMENT AGENCY APPLIED TO COURT FOR FURTHER PROTECTION.
DEPT OF STATE URGED SUCH A PROTECTIVE ORDER BECAUSE OF
POTENTIAL DAMAGE TO OUR FOREIGN RELATIONS RESULTING FROM
DISCLOSURE. IN PRACTICE, NEITHER LOCKHEED NOR ANY GOVERN-
MENT AGENCY HAS OBJECTED TO TRANSMITTAL OF THESE DOCUMENTS
TO THE VARIOUS GOVERNMENTS THAT HAVE REQUESTED THEM
PURSUANT TO RESPECTIVE EXCHANGE AGREEMENTS PROVIDING
FOR THEIR CONTINUED CONFIDENTIALITY IN CONNECTION WITH
LAW ENFORCEMENT PROCEEDINGS.

4. THUS, SENTENCES 2-5 AND 7-8 OF TEXT OF REPORT IN
PARA 1 OF REFTEL ARE INACCURATE; SIXTH SENTENCE
PERTAINS ONLY TO COURT'S PROTECTIVE ORDER; SENTENCES
1, 9 AND 10 ARE ACCURATE.

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